

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKMICHAEL L. DAYTON, ,
Plaintiff(s)

v.

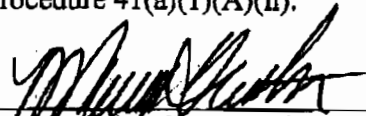
WESLEY GLEN FORT, ALBERT L.
PROVOST, Individually, and ALBERT
L. PROVOST d/b/a JUGGIE'S
CONCESSIONS, Defendant(s)STIPULATION OF
VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P.
41(a)(1)(A)(ii)

Case No.: 07 CIV. 8643 (WCC)

ECF CASE

STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) ALL DEFENDANTS pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii).


 Signature of plaintiff's or plaintiff's counsel

3250 Route 9W
 Address

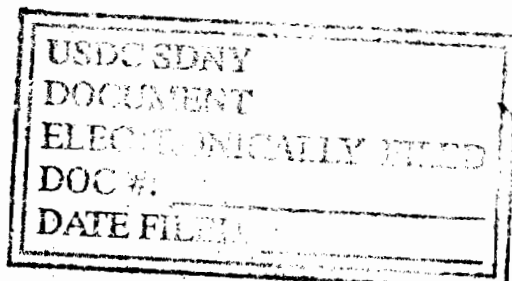
New Windsor, NY 12553
 City, State & Zip Code

(845) 562-9020
 Telephone Number
Dated: July 29, 2008


 Signature of defendant's or defendant's counsel

One Corwin Court - PO Box 1479
 Address

Newburgh, NY 12550
 City, State & Zip Code

(845) 565-1100
 Telephone Number
Dated: August 27, 2008

SO ORDERED.

Dated: White Plains, NY
Sept. 5, 2008

 WILLIAM C. CONNER, Senior U.S.D.J.

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SILVER FORRESTER

MEDIATION

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0002UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL L. DAYTON

Plaintiff

07 cv 8643 (WCC) ()

v.

WESLEY GLEN FORT ET AL.

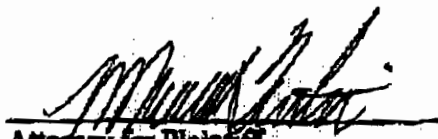
Defendant

FOLLOWING MEDIATION THE PARTIES HAVE REACHED A SETTLEMENT
AGREEMENT AND WILL FILE APPROPRIATE PAPERS.

Date

7/29/08

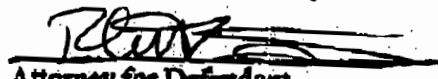
Attorney for Plaintiff



Date

7/29/08

Attorney for Defendant



TARSHIS, CATANIA, LIBERTH, MAHON & MILLIGRAM, PLLC

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Thank you.

To: Hon. William Connor, U.S.D.J. **Fax #:** (914) 390-4170
cc: Terri Simon, Mediator **Fax #:** (914) 725-8950
Michael Forrester, Esq. **Fax #:** (845) 562-9025
From: Rhett D. Weires **Pages (including this cover sheet):** 3
Date: September 4, 2008 **File #:** 10127-56284

Re: Dayton v. Fort, Provost & Provost d/b/a Juggie's Concessions
Case No. 07 CIV. 8643 (WCC)

Enclosed please find a copy of the Stipulation of Voluntary Dismissal Pursuant to FRCP 41(a)(1)(A)(ii) being filed with the Clerk of the U.S. District Court, along with a copy of the mediation settlement agreement signed by all parties in the above matter, thus obviating the need for an appearance before Judge Conner on September 5, 2008 at 10:15 a.m.

If problems of clarity or transmission arise, please call Linda Fisher at 845-565-1100, Ext. 253.